

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

JAMES ADAMS, AIS 108239,

Plaintiff,

V.

**ASSISTANT WARDEN CARTER
DAVENPORT, ET AL.,
DEFENDANTS.**

Defendants.

2:06-CV-988-ID-DRB

SPECIAL REPORT

COME NOW the Defendants, **ASSISTANT WARDEN CARTER DAVENPORT, LATRICE GREEN and TYRONE BARROW**, by and through undersigned counsel, and in accordance with this Honorable Court's November 2, 2006 Order, offer the following written report.

PARTIES

1. The Plaintiff, James Adams, is an inmate of the Alabama Prison System.
2. Defendant Carter F. Davenport is employed by the Alabama Department of Corrections as a Correctional Warden II, and is assigned to the Easterling Correctional Facility.
3. Defendant Latrice Green is employed by the Alabama Department of Corrections as a Classification Specialist Supervisor, and is assigned to the Easterling Correctional Facility.

4. Defendant Tyrone Barrow is employed by the Alabama Department of Corrections as a Classification Specialist, and is assigned to the Easterling Correctional Facility.

EXHIBIT

EXHIBIT 1 – Affidavit of Carter F. Davenport

EXHIBIT 2 – Affidavit of Latrice Green

EXHIBIT 3 – Affidavit of Tyrone Barrow

PLAINTIFF’S CLAIMS

Plaintiff’s sole claim is that the Defendants “. . . violated [his] 8th and 14th Amendment right by placing and leaving false information in his file.” Specifically, Plaintiff states that “on or around January 24, 2006, defendant [sic] caused a false charge to be placed in his file on escape from prison in Florida.” Plaintiff alleges that he has proven the information to be false but that the Defendants refuse to remove it. Plaintiff demands \$50,000 in damages from each Defendant and requests an order directing the Defendants to remove the false information from his file.

DEFENDANTS’ RESPONSE

1. The Defendants deny that they violated the Plaintiff’s constitutional rights.
2. The Defendants deny each and every material allegation not specifically admitted herein and demand strict proof thereof.
3. The Plaintiff has failed to state a claim upon which relief may be granted.

4. The Defendants are immune from suit under the Eleventh Amendment to the United States Constitution.
5. The Defendants are immune from suit due to qualified immunity.

STATEMENT OF FACTS

On January 24, 2006, Mr. Barrow requested information on Plaintiff from the Live Oak Police Department in Florida. See, Exhibit 3, attachment 1. On February 23, 2006, Plaintiff had his Annual Progress Review. See, Exhibit 3, attachment 2. Plaintiff was told that his Criminal Arrest Record indicated that he was arrested in Florida in 1982. See, Exhibit 2, attachment 2. Plaintiff was informed that his criminal record would indicate arrests regardless of whether he was determined to be guilty of the offenses he arrested for and that Mr. Barrow would continue to request the dispositions of the different arrests with the different agencies wherever he was arrested. See, Exhibit 3, attachment 3. On May 26, 2006, Mr. Barrow received a letter from Diane M. Matousex, Clerk of the Circuit Court of Volusia County, Florida, stating that for the year of 1982 (the year of the alleged false charge of escape) no cases were disclosed against Plaintiff. See, Exhibit 1, attachment 2; Exhibit 2, attachment 3; Exhibit 3, attachment 4. This letter was added to Plaintiff's file. None of the Defendants have placed any false information in Plaintiff's institutional file or violated Plaintiff's rights in any manner. See, Exhibits 1, 2, and 3.

ARGUMENT

The law regarding a prisoner's claims for having false information in his institutional file is settled and unanimous with the Judges of this court. The Middle

District of Alabama has been consistent in holding that while *Monroe v. Thigpen*, 932 F.2d 1437 (11th Cir. 1991), can serve as the basis for a constitutional claim for the **knowing** use of false information by prison officials, the case of *Slocum v. Georgia State Bd. of Pardons and Paroles*, 678 F.2d 940 (11th Cir. 1982), controls where there is nothing more than the assertion that false information is contained in the prison file. As this Court is well aware, the *Slocum* Court held that prisoners do not state a due process claim by merely asserting that false information exists in their prison files. The 11th Circuit has also held that, “prisoners cannot make a conclusory allegation regarding the use of [false] information as the basis of a due process claim.” *Jones v. Ray*, 279 F.3d 944 (11th Cir. 2001). Plaintiff merely asserts that false information regarding an arrest for escape in Florida in 1982 is in his prison file. As such, the claim fails to state a constitutional violation. See *Brooks v. Culliver*, 2006 WL 3450138 (M.D. Ala. November 29, 2006); *Horsman v. Williams*, 2006 WL 3350473 (M.D. Ala. November 16, 2006); *Chamblee v. Williams*, 2006 WL 2798670 (M.D. Ala. September 28, 2006); *Latham v. Williams*, 2006 WL 2590516 (M.D. Ala. September 08, 2006); *Harris v. Whitehead*, 2006 WL 2135714 (M.D. Ala. August 01, 2006); *Gaines v. Mosley* 2006 WL 2136043 (M.D. Ala. July 28, 2006); *Taylor v. Naphcare, Inc.*, 2006 WL 2038428 (M.D. Ala. July 19, 2006); *McCree v. Turner* 2006 WL 1391076 (M.D. Ala. May 16, 2006); *Flynn v. Scott*, 2006 WL 1236718 (M.D. Ala. May 08, 2006); *Black v. McDonnell*, 2006 WL 1180795 (M.D. Ala. May 02, 2006); *Johnson v. Gavins* 2006 WL 827114 (M.D. Ala. March 29, 2006); *Black v. Glover*, 2006 WL 354794 (M.D. Ala. February 15, 2006).

This case should also be dismissed because the Defendants are immune from suit. The Eleventh Amendment to the United States Constitution provides that “[t]he judicial

power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.” The Amendment therefore not only bars suits against a state by citizens of another state, but also bars suits against a state by that state’s own citizenry. *See Edelman v. Jordan*, 415 U.S. 651, 663, 94 S. Ct. 1347, 1355 (1974) and *Hans v. Louisiana*, 134 U.S. 1, 13-15, 10 S. Ct. 504, 33 L.Ed. 842 (1890). The Eleventh Amendment also prohibits suit against state officials and employees where the state is the real, substantial party in interest. *See Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89, 101-02, 104 S. Ct. 900, 908-09, 79 L.Ed.2d 67 (1984). “For example, if a lawsuit seeks to order the state officer to pay funds directly from the state treasury for the wrongful acts of the state, then the state is the real party in interest and the Eleventh Amendment bars the suit.” *Summit Medical Associates, P.C. v. Pryor*, 180 F.3d 1326, 1336 (11th Cir. 1999). This suit is in reality a suit against the State; thus, the Defendants should be dismissed based on immunity.

In addition, the Defendants are protected by qualified immunity. As stated by the Eleventh Circuit, “[q]ualified immunity protects government officials from civil trials and liability when their conduct in performing discretionary functions ‘violates no clearly established statutory or constitutional rights of which a reasonable person would have known.’” *Wilson v. Blankenship*, 163 F.3d 1284, 1288 (11th Cir. 1998) (quoting *Lassiter v. Alabama A & M Univ. Bd. of Trustees*, 28 F.3d 1146, 1149 (11th Cir. 1994) (en banc)). *Wilson, supra* (holding that the marshal, wardens, and corrections officer were protected by qualified immunity); *see also Pinkney v. Davis*, 952 F. Supp. 1561 (M.D. Ala. 1997) (holding that wardens, deputy warden, and other prison officials were entitled to qualified

immunity). The Eleventh Circuit has held that “[p]rison officials have ‘wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.’” *Wilson*, 163 F.3d at 1295, *quoting Bell v. Wolfish*, 441 U.S. 520, 547, 99 S.Ct. 1861, 1878 (1979). The Defendants have not violated Plaintiff’s clearly established rights; thus, they are entitled to qualified immunity.

CONCLUSION

There are no genuine issues of material fact, and the Defendants are entitled to judgment as a matter of law. WHEREFORE, the Defendants respectfully request that this Honorable Court dismiss the claims against them.

Respectfully submitted,

TROY KING
Attorney General

/s/ Benjamin H. Albritton
Benjamin H. Albritton ASB-0993-R67B
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7300

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 12th day of December, 2006, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

James Adams, AIS 108239
Decatur Community Based Work Release
1401 Highway 20 West
Decatur, AL 35601

/s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General

IN THE CIRCUIT COURT
MONTGOMERY COUNTY, ALABAMA

JAMES ADAMS,	#108239)	
Plaintiff)	
)	
VS.)	CIVIL ACTION #06-988-ID
ASST. WARDEN CARTER DAVENPORT)	
et.al.,)	
)	
Defendants.)	

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Carter F. Davenport, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Carter F. Davenport and I am presently employed as a Correctional Warden II, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

According to inmate James Adams' Classification Specialist, Mr. Tyrone Barrow and his institutional file, inmate Adams' Criminal Arrest Record showed that he was arrested in Florida (Exb.#1).

On 5/26/06, Mr. Barrow received a letter from Diane M. Matousex, Clerk of the Circuit Court of Volusia County Florida (Exb.#2), stating that no cases were disclosed against inmate Adams for the year of 1982.

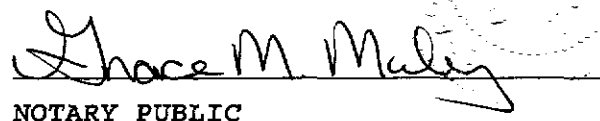
I have not placed or allowed any false information to be placed in inmate Adams' institutional file.



Affidavit - Carter F. Davenport
Civil Action No. 06-988-ID
Page 2


Carter F. Davenport

SWORN TO AND SUBSCRIBED TO before me this the 16th day of
November, 2006.


NOTARY PUBLIC

My Commission Expires: 03/31/07.

RC

EXHIBIT #1

ALABAMA BOARD OF PARDONS AND PAROLES

REPORT OF INVESTIGATION

Type of Investigation Pre-Sentence Date Dictated 07/15/88

Name Adams, James True Name Same

AKA Adams, James J.; Adams, James, J., Jr.; Man

RSA BM-31 DOB 09-10-56; 09-10-57; 10-10-56 Height and Weight 5'9" - 185 lbs.

Complexion Dark Color of Hair Blk Color of Eyes Bro

Body Marks Scar left elbow; scar right elbow; scar left upper arm

Driver's License # None SSN 417-06-3535; 424-78-2316; 254-82-9838

AIS# 108739A FBI# 40 302 M9 SID# AL 00398800

Address 3767 Whiting Ave. Phone # 265-1063

Montgomery, AL 36105

RECEIVED

County Montgomery Case # 82-274; 87-1685

Offense(s) TOP II; Bail Jumping I;

15 Yrs. Pen /1 Yr. CJ CC W/82-274

Sentence(s) _____

Date of Sentence 1-22-88 Date Sentence began 1-22-88

Date of Arrest 01-21-82; 10-30-87 Date of Bond 01-28-82; none Bond Amt. \$ 5,000; none

Judge Charles Price DA James H. Evans

Attorney Tom Payne Retained _____ Appointed X

Court Ordered Restitution \$ To be determined later.

Barred from Parole (Ala. Code 15-22-27.1) Yes _____ No X

NOTES:

On April 6, 1982, James Adams pled guilty in CC #82-274 - TOP II and was to be sentenced on April 26, 1982. Subject failed to appear for sentencing and on May 13, 1982, was F & C. Then on May 19, 1982, forfeiture papers were issued; July 1, 1982, forfeiture made final for \$4,500; July 21, 1982, forfeiture was set aside; July 9, 1985, the case was withdrawn and filed; and on October 30, 1987, the capias was executed.

ENTERED TELETYPE
DATE 1-26-88 BY 9

1-26-88: C.R.

James Adams was indicted by the June, 1982, Montgomery County Grand Jury for Bail Jumping II, CC #82-1685, was arrested on the charge October 30, 1987, and pled guilty December 7, 1987.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #82-274.

Offense:

Theft of Property II.

Sentence:

15 Yrs. Pen. Credit for time that state placed hold on him in 1982.
Pay \$50 VCF, court costs, attorney fees.

Date of Sentence:

January 22, 1988

Details of Offense:

Reports reflect that on January 21, 1982, at approximately 11 a.m., a residence at 502 Holcombe Street, Montgomery, belonging to Bruce Register, was broken into by forcing the back door open. Taken in the burglary were fireplace mantels, valued at \$1,200. While the theft was in progress, Montgomery Police Officer Hugo Denham came on the scene and found a 1972 pickup truck pulled up to the back door with the three fireplace mantels in the truck. The people involved in the theft were identified as James Adams, Glenda Worthington, and Stephen Worthington. At that time, all subjects were placed under arrest.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject states he was working for the Worthingtons and didn't know the property was stolen.

Case Status of Co-Defendants:

Glenda Worthington, CC #82-335 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Stephen Worthington, CC #82-272 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Victim Notification Information:

N/A.

Victim Impact:

The victim impact report has been sent to Bruce Register, 5105 Timber Line Road, Montgomery, AL, and as of this date, it has not been returned. Let it be noted there is nothing in the district attorney's file showing the victim's feelings towards the offense nor where the victim was asking for restitution.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

To be decided later.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #87-1685.

Offense:

Bail Jumping II.

Sentence:

One year county jail concurrent W/82-274. Pay court costs, attorney fees and \$15 VCF.

Date of Sentence:

January 22, 1988.

Details of Offense:

Reports reflect that James Adams was to appear in Montgomery County Circuit Court before Judge Hooper on April 25, 1982, at 9:00 A.M. for sentencing concerning his plea of guilt to Theft of Property II on April 6, 1982. The report further states that James Adams failed to appear.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject admits not appearing in court and stated he was afraid he was going to go to prison for 25 years.

Case Status of Co-Defendants:

None listed.

Victim Notification Information:

N/A.

Victim Impact:

N/A.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

None.

RECORD OF ARRESTPrior Arrest Record:

06-27-73	SO Montg., AL CC #8734	YOA (GL)	On 08-23-73 2Y pen. Par. 04-29-74 Rev. 11-13-74
10-07-74	PD Montg., AL CC #11,606	Grand Larceny	02-20-75 denied YOA & 02-26-75 sent. 1Y in pen.
06-10-76	PD Montg., AL	Fighting	50 jail
10-19-76	PD Montg., AL	1. Burglary 2. Resisting Ofcr.	1. NP 2. No disp. given
10-29-76	PD Montg., AL	A & B	No disp. given
11-10-76	PD Montg., AL	1. DC 2. A & B on ofcr. 3. Resisting Ofcr.	No disp. given No disp. given No disp. given
08-15-76	PD Montg., AL	DC	No disp. given
12-01-76	PD Montg., AL	DC	No disp. given
08-10-77	PD Montg., AL CC #77-77-TH	Burg. & GL	On 04-14-78 2Y pen. susp. 2Y prob. On 05-08-78 Dec. delinq. On 07-06-81 delinq. void- ed & prob. terminated.
08-24-77	PD Montg., AL CC #77-766	GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. On 05-08-78 dec. delinq. On 07-06-81 delinq. void- ed & prob. terminated.

08-24-77	PD Montg., AL CC #77-767	B & GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. 05-08-78 dec. delinq. 07-06-81 delinq. voided and prob. terminated.
06-18-78	SO Liveoak, FL Case #78-76	Unarmed Robbery (armed robbery NP)	On 09-11-78 10Y pen. less 860 jail credit. Par. 07-07-81 Par. rev. 1982.
11-04-81	PD Montg., AL	1. Poss. Burg. Tools (DC #81-4693) 2. CCW	1. Dismissed 2. F \$50
01-21-82	PD Montg., AL	Burg. III	NP on 04-06-82
02-14-82	PD Montg., AL	Fail to Reg. as Ex-Fel.	No disp. given

Subsequent Arrest Record:

08-19-82	PD Winterhaven, FL	1. Burglary 2. Petit Larc.	1. 5Y pen. CS w/720 jail credit. 2. No disp. given
----------	--------------------	-------------------------------	--

PERSONAL/SOCIAL HISTORYSubject:

James Adams, age 31, BM, dob: 09-10-56, was the first of six children born to Willie Mae Adams Dennis. Subject was born in Tuskegee, AL, and while an infant, his mother gave him to his aunt, Daisy Barnes. Daisy Barnes raised James Adams in the Montgomery area and Adams states he feels as if Daisy Barnes was his mother. Subject states he has not seen his mother since he was approximately 18 years old. Adams states when he was 16 years old he moved to New Church, Virginia, with his aunt for 11 months and then returned to Montgomery. He further states he lived in Montgomery until 1978 when he went to Florida. While in Florida, subject was arrested for Robbery, served time in prison and was paroled in 1981. In August, 1981, Adams moved to Montgomery and lived here until he left in April, 1982 and returned to Florida. In August, 1982, James Adams was picked up in Florida for parole violation and was placed in prison. Adams was incarcerated in prison in Florida from 1982 until he was transferred to the Montgomery County Jail October 30, 1987.

Marital Status/History:

Subject states he has never been married and denied fathering any children. According to a pre-sentence report done August 16, 1973, it states that subject has a child by the name of Willie Adams, age approximately 15, by Diane Willis. — not his

Health:

Subject suffers epileptic seizures and while in Florida was on medication. In 1978,

James Adams went to Bryces for a mental evaluation and also while incarcerated in prison in Florida, he saw a psychologist on a regular basis. Reports received from Florida seem to confirm that James Adams is moderately retarded. Also a pre-sentence report completed August 6, 1973, states that Adams was tested in August, 1972, by a Dr. Wiley Boyles and the test revealed that Adams was somewhat retarded. Dr. Boyles also concluded that Adams had violent behavioral tendencies along with his low mental capacity.

Subject denies the use of any illegal drugs. He further states he use to drink occasionally but has had no alcoholic beverages since his incarceration in 1982.

Education:

Subject completed the sixth grade at Booker T. Washington School and was in special education. Also, during that time, Adams attended McInnis School. Subject further states that he cannot read nor write.

Financial Status:

Subject states he owns no property, has no debts in his name and no income.

Employment History:

Subject states that from April, 1982, until he was arrested August 19, 1982, he worked at the Minute Maid plant in Auburndale, FL. He further states that also during that time he worked at Bartow Packing House, Bartow, FL, at night.

Adams further states that many years ago he worked for White Roofing Company, Montgomery, AL.

According to records in the Montgomery County Probation Office, in September, 1981, James Adams was working part time for Sunshine Christian Outreach Ministries in Montgomery.

Military Record:

None.

Offender's Family:

Father: Richard Martin, age 51, lives in the Montgomery area.

Mother: Willie Mae Adams Dennis, age 48, lives in Atlanta, GA.

Siblings:

Lena Mae Calhoun, age 28, lives at 313 Vincent Avenue, Montgomery.

Kerry
~~James~~ Adams, age 25, lives with his mother in Atlanta, GA, and works at Morrison's Cafeteria.

Essie Adams, age 23, lives in Atlanta, GA, and works at a nursing home.

Sylvester Adams, age 21, lives on Eugene Street, Montgomery, and does painting.

Jerome Adams, dob: 07-04-68, lives with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, and receives social security disability. On May 13, 1987, Jerome Adams was sentenced to one year and one day suspended, 12 months unsupervised probation under the Youthful Offender Act for Burglary III and Theft of Property II.

EVALUATION OF OFFENDER

Psychosocial Reports:

None.

Reputation & Community Activities:

Unknown. James Adams has been continuously incarcerated since August, 1982.

Parole & Probation Officer's Remarks:

When James Adams pled to the Bail Jumping II charge on December 7, 1987, there was some question as to whether he was incarcerated in Florida in April, 1982, to where he could not get back from his sentencing on the Theft of Property II charge. According to information received by subject's lawyer, Tom Payne, from Florida Parole and Probation Commission, James Adams was first arrested in Florida on June 26, 1982, released July 1, 1982, and arrested August 19, 1982, where he stayed incarcerated until he went into the Florida Prison System November 5, 1982.

PROBATION PLAN

Home:

If granted probation, subject states he would live with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, AL.

Job:

If granted probation, subject states he would look for employment.

Recommendation:

James Adams has previously, in Montgomery County, had the benefit of probation and was not successful on it. He has also been incarcerated in prison in both Alabama and Florida and has had the benefit of parole in both states and was not successful. Based on this, it is this officer's recommendation that probation be denied and that subject be sentenced to 10 years in the penitentiary in CC #82-274 - TOP II, and one year in Montgomery County Jail in CC #87-1685 - Bail Jumping II, concurrent.

Signed and dated at Montgomery, AL, this 19th day of January, 1988.

Carolyn P. Flack
Carolyn P. Flack
Alabama Probation & Parole Officer

CPF/lcm

ALABAMA DEPARTMENT OF CORRECTIONS - PROGRESS REVIEW FORM - FEBRUARY 23, 2006

(COU122)

AIS #: 00108239B SSN: 424-78-0223 RACE/SEX: B/M DATE OF BIRTH: 09/10/1956
 NAME: ADAMS, JAMES CUSTODY: MED5 SECURITY LEVEL: 4
 INST: EASTERLING CORRECTIONAL CENT TIME SRVD: 02Y08M14 LAST DISC: 07 22 2004
 CRIME: CRIM POSS FORGED INSTR II MIN REL DT: 06/10/2008 ACTIVE DET: 0

DISC: VIOLATION OF INSTIT. RULES OR PRL CONS: 00/00/0000 EDUCAT LEV: 11

WL/PGM: Inst. Assign

PRIM OCCUP: LABORER - RANCH, FARM HAND - L

RECOMMENDED INSTITUTION: Station for Family Ties RECOMMENDED CUSTODY: MEDIUMJUSTIFICATION: ANNUAL REVIEW: Repeat, multi-state offender serving a 5 year term forCPFI II x 2, TOPI, TOP II (subj. stole and cashed victims checks) & CPFI II (source doc. req.most recently on 02/16/06). No sex convictions noted. Extensive criminal record to include1973/GL, 1976/A&B on Officer (Disp. Unknown), 1977/Burglary & GL x 2, 1978/UnarmedRobbery (FL), 06/26/1982/Escapes (FL-final disp. req. most recently on 01/24/06),1990/Cocaine Poss (Atlanta), 1991/Dist. Cocaine, Robbery (Gun)-Atlanta PD-final disp. req.most recently on 01/24/06. Substance Abuser w/01/04 8-Week Sap completion @ Elmore, hasAA/NA attendance. Recommend no changes in custody due to lack of source documentation,overall criminal record & nature of subj. crimes. Recommend a lateral to Station for Family Ties.I CERTIFY EMERGENCY LIST WAS REVIEWED AND UPDATED: NKE, COETS (OK) 2-23-06 REF: S/L: 23 FEB 06CLASSIFICATION SPECIALIST 2-23-06 DATEWARDEN OR DESIGNEE 2-23-06 DATE

PSYCHOLOGIST/PSYCHOLOGIST'S ASSOC. DATE

CLASSIFICATION COORDINATOR DATE

CENTRAL REVIEW BOARD ACTION

APPROVED

DENIED; DIVERTED TO:

REASONS:

Lateral move.Redman 3/1/06

CRB MEMBER

DATE

APPROVED

DENIED; DIVERTED TO:

REASONS:

CRB MEMBER

DATE

APPROVED

DENIED; DIVERTED TO:

REASONS:

CRB MEMBER

DATE

FINAL DECISION: INST Station CUSTODY Med DATE 3/1/06

DATE INMATE INFORMED:

INMATE'S SIGNATURE: X JAMES ADAMS 1082-39LAST ACTION: 2/05 PR REL Church of Christ DNA 2/17/06 SKILLS: Outly WorkerPsychmeds: NODiabetic: NO

EXHIBIT #2

DIANE M. MATOUSEK

CLERK OF THE CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY, FLORIDA

PLEASE REPLY TO:

Felony Division

P.O. Box 6043

DeLand, FL 32721-6043

May 26, 2006

RE: Record Search

Name: James Adams

D.O.B.: 09/10/56

JUN 07 2006

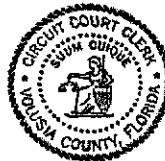
To Whom It May Concern:

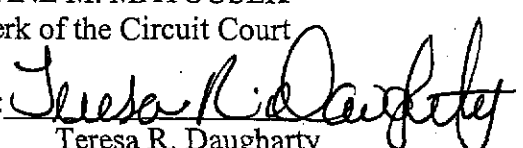
Please be advised that a search of the misdemeanor and felony records of Volusia County, Florida, for the years of 1982 to 1982, discloses no cases against the above mentioned individual.

If our office can be of any further assistance, please do not hesitate to contact us at the above address.

Sincerely,

DIANE M. MATOUSEK
Clerk of the Circuit Court



By: 
Teresa R. Daugherty
Deputy Clerk

C: General Correspondence
CL-0579-0503

IN THE CIRCUIT COURT
MONTGOMERY COUNTY, ALABAMA

JAMES ADAMS, #108239)
 Plaintiff)
)
 VS.) CIVIL ACTION #06-988-ID
ASST. WARDEN CARTER DAVENPORT,)
 et.al.,)
)
 Defendants.)

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Latrice Greene, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Latrice Greene and I am presently employed as a Classification Specialist Supervisor, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

On 2/23/06, inmate James Adams had his Annual Progress Review by his Classification Specialist, Mr. Tyrone Barrow (Exb.#1). He was told that his Criminal Arrest Record showed that he was arrested in Florida (Exb.#2).

On 5/26/06, Mr. Barrow received a letter from Diane M. Matousex, Clerk of the Circuit Court of Volusia County, Florida (Exb.#3), stating that for the year of 1982, no cases were disclosed against inmate Adams.




Affidavit - Latrice Greene
Civil Action No. 06-988-ID
Page 2

I have not placed any false information in inmate Adams' institutional file. I have not violated inmate Adams' 8th and 14th Amendment rights.



Latrice Greene

SWORN TO AND SUBSCRIBED TO before me this the 16th day of
November 2006.



NOTARY PUBLIC

My Commission Expires: My Commission Expires Jan. 24, 2009

ALABAMA DEPARTMENT OF CORRECTIONS - PROGRESS REVIEW FORM - FEBRUARY 23, 2006

ALS #: 00108239B SSN: 424-78-0223 RACE/SEX: B/M DATE OF BIRTH: 09/10/1956
NAME: ADAMS, JAMES CUSTODY: MED5 SECURITY LEVEL: 4
INST: EASTERLING CORRECTIONAL CENT TIME SRVD: 02Y09M14 LAST DISC: 07 22 2004
CRME: CRIM POSS FORGED INSTR II MIN REL DT: 06/10/2008 ACTIVE DET: 0

DISC: VIOLATION OF INSTIT. RULES OR PRL CONS: 00/00/0000 EDUCAT LEV: 11

WL/PGM: Inst. Assign

PRIM OCCUP: LABORER - RANCH, FARM HAND - L

RECOMMENDED INSTITUTION: Station for Family Ties RECOMMENDED CUSTODY: MEDIUM

JUSTIFICATION: ANNUAL REVIEW: Repeat, multi-state offender serving a 5 year term for CPFI II x 2, TOPI, TOP II (subj. stole and cashed victims checks) & CPFI II (source doc. req.

most recently on 02/16/06). No sex convictions noted. Extensive criminal record to include

1973/GL, 1976/A&B on Officer (Disp. Unknown), 1977/Burglary & GL x 2, 1978/Unarmed

Robbery (FL), 06/26/1982/Escapes (FL-final disp. req. most recently on 01/24/06),

1990/Cocaine Poss (Atlanta), 1991/Dist. Cocaine, Robbery (Gun)-Atlanta PD-final disp. req.

most recently on 0124/06. Substance Abuser w/01/04 8-Week Sap completion @ Elmore, has

AA/NA attendance. Recommend no changes in custody due to lack of source documentation,

overall criminal record & nature of subj. crimes. Recommend a lateral to Station for Family Ties.

I CERTIFY ENEMY LIST WAS REVIEWED AND UPDATED: NKE, COETS (OK) 2-23-06

James Bayon 02-23-06
CLASSIFICATION, SPECIALIST DATE

Burns, Matthew 2-23-06
PSYCHOLOGIST/PSYCHOLOGIST'S ASSOC. DATE

Carl R. [Signature] 23 FEB 06
WARDEN OR DESIGNEE DATE

Dalene [Signature] 2/23/06
CLASSIFICATION COORDINATOR DATE

CENTRAL REVIEW BOARD ACTION

APPROVED REASON: Lateral Move.

REASON: [Signature] 3/1/06

CRB MEMBER DATE

APPROVED REASON: [Signature]

CRB MEMBER DATE

APPROVED REASON: [Signature]

CRB MEMBER DATE

FINAL DECISION: INST Station CUSTODY Med DATE 3/1/06

DATE INMATE INFORMED: 2/05/06

INMATE'S SIGNATURE: X JAMES ADAMS 108239

LAST ACTION: 2/05/06 REL Church of Christ DNA 2/7/06 SKILLS: Buttly Worker

Bychmeds: NO
Diabetic: NO

RC

EXHIBIT #2

ALABAMA BOARD OF PARDONS AND PAROLES

REPORT OF INVESTIGATION

Type of Investigation Pre-Sentence Date Dictated 01/15/88
 Name Adams, James True Name Same
 Alias Adams, James J.; Adams, James, J., Jr.; Man
 RSA BM-31 DOB 09-10-56; 09-10-57; 10-10-56 Height and Weight 5'9" - 185 lbs.
 Complexion Dark Color of Hair Blk Color of Eyes Bro
 Bodily Marks Scar left elbow; scar right elbow; scar left upper arm
 Driver's License # None SS# 417-06-3535; 424-78-2316; 254-82-9838
 AISH 108737A FBI# 40 302 M9 SID# AL 00398800
 Address 3767 Whiting Ave. Phone # 265-1063
Montgomery, AL 36105

RECEIVED

County Montgomery Case # 82-274; 87-1685
 Offense(s) TOP II; Bail Jumping II
15 Yrs. Pen / 1 Yr. CJ CC W/82-274
 Sentence(s) _____
 Date of Sentence 1-22-88 Date Sentence began 1-22-88
 Date of Arrest 01-21-82; 10-30-87 Date of Bond 01-28-82; none Bond Amt. : 5,000; none
 Judge Charles Price DA James H. Evans
 Attorney Tom Payne Retained _____ Appointed X
 Court Ordered Restitution : To be determined later.
 Barred from Parole (Ala. Code 15-22-27.1) Yes _____ No X

NOTES:

On April 6, 1982, James Adams pled guilty in CC #82-274 - TOP II and was to be sentenced on April 26, 1982. Subject failed to appear for sentencing and on May 13, 1982, was F & C. Then on May 19, 1982, forfeiture papers were issued; July 1, 1982, forfeiture made final for \$4,500; July 21, 1982, forfeiture was set aside; July 9, 1985, the case was withdrawn and filed; and on October 30, 1987, the capias was executed.

PBF 203 (10-1-84)

ENTERED TERMINAL

DATE 1-26-88 BY 9

1-26-88: C.R.

James Adams was indicted by the June, 1982, Montgomery County Grand Jury for Bail Jumping II, CC #82-1685, was arrested on the charge October 30, 1987, and pled guilty December 7, 1987.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #82-274.

Offense:

Theft of Property II.

Sentence:

15 Yrs. Pen. Credit for time that state placed hold on him in 1982.

Pay \$50 VCF, court costs, attorney fees.

Date of Sentence:

January 22, 1988

Details of Offense:

Reports reflect that on January 21, 1982, at approximately 11 a.m., a residence at 502 Holcombe Street, Montgomery, belonging to Bruce Register, was broken into by forcing the back door open. Taken in the burglary were fireplace mantels, valued at \$1,200. While the theft was in progress, Montgomery Police Officer Hugo Denham came on the scene and found a 1972 pickup truck pulled up to the back door with the three fireplace mantels in the truck. The people involved in the theft were identified as James Adams, Glenda Worthington, and Stephen Worthington. At that time, all subjects were placed under arrest.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject states he was working for the Worthingtons and didn't know the property was stolen.

Case Status of Co-Defendants:

Glenda Worthington, CC #82-335 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Stephen Worthington, CC #82-272 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Victim Notification Information:

N/A.

Victim Impact:

The victim impact report has been sent to Bruce Register, 5105 Timber Line Road, Montgomery, AL, and as of this date, it has not been returned. Let it be noted there is nothing in the district attorney's file showing the victim's feelings towards the offense nor where the victim was asking for restitution.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

To be decided later.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #87-1685.

Offense:

Bail Jumping II.

Sentence:

One year county jail concurrent W/82-274. Pay court costs, attorney fees and \$15 VCF.

Date of Sentence:

January 22, 1988.

Details of Offense:

Reports reflect that James Adams was to appear in Montgomery County Circuit Court before Judge Hooper on April 25, 1982, at 9:00 A.M. for sentencing concerning his plea of guilt to Theft of Property II on April 6, 1982. The report further states that James Adams failed to appear.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject admits not appearing in court and stated he was afraid he was going to go to prison for 25 years.

Case Status of Co-Defendants:

None listed.

Victim Notification Information:

N/A.

Victim Impact:

N/A.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

None.

RECORD OF ARRESTPrior Arrest Record:

06-27-73	SO Montg., AL CC #8734	YOA (GL)	On 08-23-73 2Y pen. Par. 04-29-74 Rev. 11-13-74
10-07-74	PD Montg., AL CC #11,606	Grand Larceny	02-20-75 denied YOA & 02-26-75 sent. 1Y in pen.
06-10-76	PD Montg., AL	Fighting	50 jail
10-19-76	PD Montg., AL	1. Burglary 2. Resisting Ofcr.	1. NP 2. No disp. given
10-29-76	PD Montg., AL	A & B	No disp. given
11-10-76	PD Montg., AL	1. DC 2. A & B on ofcr. 3. Resisting Ofcr.	No disp. given No disp. given No disp. given
08-15-76	PD Montg., AL	DC	No disp. given
12-01-76	PD Montg., AL	DC	No disp. given
08-10-77	PD Montg., AL CC #77-77-TH	Burg. & GL	On 04-14-78 2Y pen. susp. 2Y prob. On 05-08-78 Dec. delinq. On 07-06-81 delinq. void- ed & prob. terminated.
08-24-77	PD Montg., AL CC #77-766	GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. On 05-08-78 dec. delinq. On 07-06-81 delinq. void- ed & prob. terminated.

08-24-77	PD Montg., AL CC #77-767	B. & GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. 05-08-78 dec. delinq. 07-06-81 delinq. voided and prob. terminated.
06-18-78	SO Liveoak, FL Case #78-76	Unarmed Robbery (armed robbery NP)	On 09-11-78 10Y pen. less 860 jail credit. Par. 07-07-81 Par. rev. 1982.
11-04-81	PD Montg., AL	1. Poss. Burg. Tools (DC #81-4693) 2. CCW	1. Dismissed 2. F \$50
01-21-82	PD Montg., AL	Burg. III	NP on 04-06-82
02-14-82	PD Montg., AL	Fail to Reg. as Ex-Fel.	No disp. given

Subsequent Arrest Record:

08-19-82	PD Winterhaven, FL	1. Burglary 2. Petit Larc.	1. 5Y pen. CS w/720 jail credit. 2. No disp. given
----------	--------------------	-------------------------------	--

PERSONAL/SOCIAL HISTORYSubject:

James Adams, age 31, BM, dob: 09-10-56, was the first of six children born to Willie Mae Adams Dennis. Subject was born in Tuskegee, AL, and while an infant, his mother gave him to his aunt, Daisy Barnes. Daisy Barnes raised James Adams in the Montgomery area and Adams states he feels as if Daisy Barnes was his mother. Subject states he has not seen his mother since he was approximately 18 years old. Adams states when he was 16 years old he moved to New Church, Virginia, with his aunt for 11 months and then returned to Montgomery. He further states he lived in Montgomery until 1978 when he went to Florida. While in Florida, subject was arrested for Robbery, served time in prison and was paroled in 1981. In August, 1981, Adams moved to Montgomery and lived here until he left in April, 1982 and returned to Florida. In August, 1982, James Adams was picked up in Florida for parole violation and was placed in prison. Adams was incarcerated in prison in Florida from 1982 until he was transferred to the Montgomery County Jail October 30, 1987.

Marital Status/History:

Subject states he has never been married and denied fathering any children. According to a pre-sentence report done August 16, 1973, it states that subject has a child by the name of Willie Adams, age approximately 15, by Diane Willis. — not his

Health:

Subject suffers epileptic seizures and while in Florida was on medication. In 1978,

James Adams went to Bryces for a mental evaluation and also while incarcerated in prison in Florida, he saw a psychologist on a regular basis. Reports received from Florida seem to confirm that James Adams is moderately retarded. Also a pre-sentence report completed August 6, 1973, states that Adams was tested in August, 1972, by a Dr. Wiley Boyles and the test revealed that Adams was somewhat retarded. Dr. Boyles also concluded that Adams had violent behavioral tendencies along with his low mental capacity.

Subject denies the use of any illegal drugs. He further states he use to drink occasionally but has had no alcoholic beverages since his incarceration in 1982.

Education:

Subject completed the sixth grade at Booker T. Washington School and was in special education. Also, during that time, Adams attended McInnis School. Subject further states that he cannot read nor write.

Financial Status:

Subject states he owns no property, has no debts in his name and no income.

Employment History:

Subject states that from April, 1982, until he was arrested August 19, 1982, he worked at the Minute Maid plant in Auburndale, FL. He further states that also during that time he worked at Bartow Packing House, Bartow, FL, at night.

Adams further states that many years ago he worked for White Roofing Company, Montgomery, AL.

According to records in the Montgomery County Probation Office, in September, 1981, James Adams was working part time for Sunshine Christian Outreach Ministries in Montgomery.

Military Record:

None.

Offender's Family:

Father: Richard Martin, age 51, lives in the Montgomery area.

Mother: Willie Mae Adams Dennis, age 48, lives in Atlanta, GA.

Siblings:

Lena Mae Calhoun, age 28, lives at 313 Vincent Avenue, Montgomery.

Kerry
Kerry Adams, age 25, lives with his mother in Atlanta, GA, and works at Morrison's Cafeteria.

Essie Adams, age 23, lives in Atlanta, GA, and works at a nursing home.

Sylvester Adams, age 21, lives on Eugene Street, Montgomery, and does painting.

Jerome Adams, dob: 07-04-68, lives with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, and receives social security disability. On May 13, 1987, Jerome Adams was sentenced to one year and one day suspended, 12 months unsupervised probation under the Youthful Offender Act for Burglary III and Theft of Property II.

EVALUATION OF OFFENDER

Psychosocial Reports:

None.

Reputation & Community Activities:

Unknown. James Adams has been continuously incarcerated since August, 1982.

Parole & Probation Officer's Remarks:

When James Adams pled to the Bail Jumping II charge on December 7, 1987, there was some question as to whether he was incarcerated in Florida in April, 1982, to where he could not get back from his sentencing on the Theft of Property II charge. According to information received by subject's lawyer, Tom Payne, from Florida Parole and Probation Commission, James Adams was first arrested in Florida on June 26, 1982, released July 1, 1982, and arrested August 19, 1982, where he stayed incarcerated until he went into the Florida Prison System November 5, 1982.

PROBATION PLAN

Home:

If granted probation, subject states he would live with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, AL.

Job:

If granted probation, subject states he would look for employment.

Recommendation:

James Adams has previously, in Montgomery County, had the benefit of probation and was not successful on it. He has also been incarcerated in prison in both Alabama and Florida and has had the benefit of parole in both states and was not successful. Based on this, it is this officer's recommendation that probation be denied and that subject be sentenced to 10 years in the penitentiary in CC #82-274 - TOP II, and one year in Montgomery County Jail in CC #87-1685 - Bail Jumping II, concurrent.

Signed and dated at Montgomery, AL, this 19th day of January, 1988.

Carolyn P. Flack
Carolyn P. Flack
Alabama Probation & Parole Officer

CPF/lcm

EXHIBIT #3

DIANE M. MATOUSEK

CLERK OF THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY, FLORIDA

PLEASE REPLY TO:
Felony Division
P.O. Box 6043
DeLand, FL 32721-6043

May 26, 2006

JUN 07 2006

RE: Record Search

Name: James Adams
D.O.B.: 09/10/56

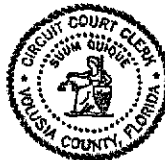
To Whom It May Concern:

Please be advised that a search of the misdemeanor and felony records of Volusia County, Florida, for the years of 1982 to 1982, discloses no cases against the above mentioned individual.

If our office can be of any further assistance, please do not hesitate to contact us at the above address.

Sincerely,

DIANE M. MATOUSEK
Clerk of the Circuit Court



By: 

Teresa R. Daugharty
Deputy Clerk

C: General Correspondence
CL-0579-0503

IN THE CIRCUIT COURT
MONTGOMERY COUNTY, ALABAMA

JAMES ADAMS, #108239)
 Plaintiff)
)
 VS.) CIVIL ACTION #06-988-ID
ASST. WARDEN CARTER DAVENPORT,)
 et.al.,)
)
 Defendants.)

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Tyrone Barrow, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Tyrone Barrow and I am presently employed as a Classification Specialist, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

On 1/24/06, I requested for information on inmate Adams from the Live Oak Police Department in Florida (Exb.#1).

On 2/23/06, inmate James Adams had his Annual Progress Review (Exb. #2). He was told that whether he was found guilty or not of the prior cases, his criminal arrest record showed that he was arrested (Exb.#3), therefore, I would continue to request the dispositions of the different arrests from different agencies wherever he was arrested.

On 5/26/06, I received a letter from Diane M. Matousex, Clerk of the Circuit Court of Volusia County, Florida (Exb. #4), stating that for the years of 1982 to 1982, no cases were disclosed against inmate Adams.



Affidavit - Tyrone Barrow
Civil Action No. 06-988
Page 2

I have not placed any false information in inmate Adams' institutional file. I have not violated inmate Adams' 8th and 14th Amendment rights.



Tyrone Barrow

SWORN TO AND SUBSCRIBED TO before me this the 16th day of
November, 2006.



NOTARY PUBLIC

My Commission Expires: ~~My Commission Expires~~ Jan. 24, 2009

EXHIBIT #1



STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS



Bob Riley
Governor

EASTERLING CORRECTIONAL FACILITY
200 WALLACE DRIVE
Clio, Alabama 36017-2615
334-397-4471

Donal Campbell
Commissioner

January 24, 2006

TO: Chief
Live Oak Police Department
212 N. Ohio Avenue
Live Oak, Florida 32060

FROM: Tyrone S. Barrow
Classification Specialist

RE: James Adams
Black Male
Date of Birth 09/10/1956
AIS # 108239

Please allow this letter to serve as a request for information on James Adams. Please forward any information regarding arrests, convictions or pending detainers with your office on James Adams. James Adams is currently incarcerated in our facility, and our office is attempting to obtain information about his prior criminal history, in an effort to make recommendations about his custody. Please fax any information to 334-397-4471. If there is no available information, please send a fax stating there is no information on James Adams. Thanking you in advance for your assistance.

ALABAMA DEPARTMENT OF CORRECTIONS - PROGRESS REVIEW FORM - FEBRUARY 23, 2006

COU122)
AIS #: 00108239B SSN: 424-78-0223 RACE/SEX: B/M DATE OF BIRTH: 09/10/1956
NAME: ADAMS, JAMES CUSTODY: MED5 SECURITY LEVEL: 4
INST: EASTERLING CORRECTIONAL CENT TIME SRVD: 02Y08M14 LAST DISC: 07 22 2004
CRME: CRIM POSS FORGED INSTR II MIN REL DT: 06/10/2008 ACTIVE DET: 0

DISC: VIOLATION OF INSTIT. RULES OR PRL CONS: 00/00/0000 EDUCAT LEV: 11

WL/PGM: Inst. Assign

PRIM OCCUP: LABORER - RANCH, FARM HAND - L

RECOMMENDED INSTITUTION: Station for Family Ties RECOMMENDED CUSTODY: MEDIUM

JUSTIFICATION: ANNUAL REVIEW: Repeat, multi-state offender serving a 5 year term for CPFI II x 2, TOPI, TOP II (subj. stole and cashed victims checks) & CPFI II (source doc. req.

most recently on 02/16/06). No sex convictions noted. Extensive criminal record to include

1973/GL, 1976/A&B on Officer (Disp. Unknown), 1977/Burglary & GL x 2, 1978/Unarmed

Robbery (FL), 06/26/1982/Escapes (FL-final disp. req. most recently on 01/24/06),

1990/Cocaine Poss (Atlanta), 1991/Dist. Cocaine, Robbery (Gun)-Atlanta PD-final disp. req.

most recently on 01/24/06. Substance Abuser w/01/04 8-Week Sap completion @ Elmore, has

AA/NA attendance. Recommend no changes in custody due to lack of source documentation,

overall criminal record & nature of subj. crimes. Recommend a lateral to Station for Family Ties.

I CERTIFY ENEMY LIST WAS REVIEWED AND UPDATED: NKE, COETS (OK) 2-23-06

APP. S/L: 23 FEB 06

James Bayon 02-23-06
CLASSIFICATION, SPECIALIST DATE

Cathy [Signature] 23 FEB 06
WARDEN OR DESIGNEE DATE

2-23-06
PSYCHOLOGIST/PSYCHOLOGIST'S ASSOC. DATE

2-23-06
CLASSIFICATION COORDINATOR DATE

CENTRAL REVIEW BOARD ACTION

APPROVED DENIED; DIVERTED TO: REASONS:
Lateral move.

Edman 3/1/06

CRB MEMBER DATE

APPROVED DENIED; DIVERTED TO: REASONS:

REASONS:

CRB MEMBER DATE

APPROVED DENIED; DIVERTED TO: REASONS:

REASONS:

CRB MEMBER DATE

FINAL DECISION: INST Station CUSTODY Med DATE 3/1/06

DATE INMATE INFORMED:

INMATE'S SIGNATURE: X JAMES ADAMS 1082-39

LAST ACTION: 2/05 PR REL Church of Christ DNA 2/7/06 SKILLS: hilly worker

Bychmeds: NO
Diabetic: NO

RC

EXHIBIT #3

ALABAMA BOARD OF PAROLES AND PAROLES

REPORT OF INVESTIGATION

Type of Investigation Pre-Sentence Date Dictated 01/15/88

Name Adams, James True Name Same

Alias Adams, James J.; Adams, James, J., Jr.; Man

RSA BH-31 DOB 09-10-56; 09-10-57; 10-10-56 Height and Weight 5'9" - 185 lbs.

Complexion Dark Color of Hair Blk Color of Eyes Bro

Body Marks Scar left elbow; scar right elbow; scar left upper arm

Driver's License # None SSN 417-06-3535; 424-78-2316; 254-82-9838

AISH 108737A FBI# 40 302 M9 SID# AL 00398800

Address 3767 Whiting Ave. Phone # 265-1063

Montgomery, AL 36105

RECEIVED

County Montgomery Case # 82-274; 87-1685

Offense(s) TOP II; Bail Jumping II

Sentence(s) 15 Yrs. Pen / 1 Yr. CJ CC W/82-274

Date of Sentence 1-22-88 Date Sentence began 1-22-88

Date of Arrest 01-21-82; 10-30-87 Date of Bond 01-28-82; none Bond Amt. \$ 5,000; none

Judge Charles Price n.a. James H. Evans

Attorney Tom Payne Retained Appointed X

Court Ordered Restitution To be determined later.

Barred from Parole (Ala. Code 15-22-27.1) Yes No X

NOTES:

On April 6, 1982, James Adams pled guilty in CC #82-274 - TOP II and was to be sentenced on April 26, 1982. Subject failed to appear for sentencing and on May 13, 1982, was F & C. Then on May 19, 1982, forfeiture papers were issued; July 1, 1982, forfeiture made final for \$4,500; July 21, 1982, forfeiture was set aside; July 9, 1985, the case was withdrawn and filed; and on October 30, 1987, the capias was executed.

James Adams was indicted by the June, 1982, Montgomery County Grand Jury for Bail Jumping II, CC #87-1685, was arrested on the charge October 30, 1987, and pled guilty December 7, 1987.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #82-274.

Offense:

Theft of Property II.

Sentence:

15 Yrs. Pen. Credit for time that state placed hold on him in 1982.
Pay \$50 VCF, court costs, attorney fees.

Date of Sentence:

January 22, 1988

Details of Offense:

Reports reflect that on January 21, 1982, at approximately 11 a.m., a residence at 502 Holcombe Street, Montgomery, belonging to Bruce Register, was broken into by forcing the back door open. Taken in the burglary were fireplace mantels, valued at \$1,200. While the theft was in progress, Montgomery Police Officer Hugo Denham came on the scene and found a 1972 pickup truck pulled up to the back door with the three fireplace mantels in the truck. The people involved in the theft were identified as James Adams, Glenda Worthington, and Stephen Worthington. At that time, all subjects were placed under arrest.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject states he was working for the Worthingtons and didn't know the property was stolen.

Case Status of Co-Defendants:

Glenda Worthington, CC #82-335 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Stephen Worthington, CC #82-272 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Victim Notification Information:

N/A.

Victim Impact:

The victim impact report has been sent to Bruce Register, 5105 Timber Line Road, Montgomery, AL, and as of this date, it has not been returned. Let it be noted there is nothing in the district attorney's file showing the victim's feelings towards the offense nor where the victim was asking for restitution.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

To be decided later.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #87-1685.

Offense:

Bail Jumping II.

Sentence:

One year county jail concurrent W/82-274. Pay court costs, attorney fees and \$15 VCF.

Date of Sentence:

January 22, 1988.

Details of Offense:

Reports reflect that James Adams was to appear in Montgomery County Circuit Court before Judge Hooper on April 25, 1982, at 9:00 A.M. for sentencing concerning his plea of guilt to Theft of Property II on April 6, 1982. The report further states that James Adams failed to appear.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject admits not appearing in court and stated he was afraid he was going to go to prison for 25 years.

Case Status of Co-Defendants:

None listed.

Victim Notification Information:

N/A.

Victim Impact:

N/A.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

None.

RECORD OF ARRESTPrior Arrest Record:

06-27-73	SO Montg., AL CC #8734	YOA (GL)	On 08-23-73 2Y pen. Par. 04-29-74 Rev. 11-13-74
10-07-74	PD Montg., AL CC #11,606	Grand Larceny	02-20-75 denied YOA & 02-26-75 sent. 1Y in pen.
06-10-76	PD Montg., AL	Fighting	50 jail
10-19-76	PD Montg., AL	1. Burglary 2. Resisting Ofcr.	1. NP 2. No disp. given
10-29-76	PD Montg., AL	A & B	No disp. given
11-10-76	PD Montg., AL	1. DC 2. A & B on ofcr. 3. Resisting Ofcr.	No disp. given No disp. given No disp. given
08-15-76	PD Montg., AL	DC	No disp. given
12-01-76	PD Montg., AL	DC	No disp. given
08-10-77	PD Montg., AL CC #77-77-TH	Burg. & GL	On 04-14-78 2Y pen. susp. 2Y prob. On 05-08-78 Dec. delinq. On 07-06-81 delinq. void- ed & prob. terminated.
08-24-77	PD Montg., AL CC #77-766	GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. On 05-08-78 dec. delinq. On 07-06-81 delinq. void- ed & prob. terminated.

08-24-77	PD Montg., AL CC #77-767	B & GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. 05-08-78 dec. delinq. 07-06-81 delinq. voided and prob. terminated.
06-18-78	SO Liveoak, FL Case #78-76	Unarmed Robbery (armed robbery NP)	On 09-11-78 10Y pen. less 860 jail credit. Par. 07-07-81 Par. rev. 1982.
11-04-81	PD Montg., AL	1. Poss. Burg. Tools (DC #81-4693) 2. CCW	1. Dismissed 2. F \$50
01-21-82	PD Montg., AL	Burg. III	NP on 04-06-82
02-14-82	PD Montg., AL	Fail to Reg. as Ex-Fel.	No disp. given

Subsequent Arrest Record:

08-19-82	PD Winterhaven, FL	1. Burglary 2. Petit Larc.	1. 5Y pen. CS w/72D jail credit. 2. No disp. given
----------	--------------------	-------------------------------	--

PERSONAL/SOCIAL HISTORYSubject:

James Adams, age 31, BM, dob: 09-10-56, was the first of six children born to Willie Mae Adams Dennis. Subject was born in Tuskegee, AL, and while an infant, his mother gave him to his aunt, Daisy Barnes. Daisy Barnes raised James Adams in the Montgomery area and Adams states he feels as if Daisy Barnes was his mother. Subject states he has not seen his mother since he was approximately 18 years old. Adams states when he was 16 years old he moved to New Church, Virginia, with his aunt for 11 months and then returned to Montgomery. He further states he lived in Montgomery until 1978 when he went to Florida. While in Florida, subject was arrested for Robbery, served time in prison and was paroled in 1981. In August, 1981, Adams moved to Montgomery and lived here until he left in April, 1982 and returned to Florida. In August, 1982, James Adams was picked up in Florida for parole violation and was placed in prison. Adams was incarcerated in prison in Florida from 1982 until he was transferred to the Montgomery County Jail October 30, 1987.

Marital Status/History:

Subject states he has never been married and denied fathering any children. According to a pre-sentence report done August 16, 1973, it states that subject has a child by the name of Willie Adams, age approximately 15, by Diane Willis. — *not his*

Health:

Subject suffers epileptic seizures and while in Florida was on medication. In 1978,

James Adams went to Bryces for a mental evaluation and also while incarcerated in prison in Florida, he saw a psychologist on a regular basis. Reports received from Florida seem to confirm that James Adams is moderately retarded. Also a pre-sentence report completed August 6, 1973, states that Adams was tested in August, 1972, by a Dr. Wiley Boyles and the test revealed that Adams was somewhat retarded. Dr. Boyles also concluded that Adams had violent behavioral tendencies along with his low mental capacity.

Subject denies the use of any illegal drugs. He further states he use to drink occasionally but has had no alcoholic beverages since his incarceration in 1982.

Education:

Subject completed the sixth grade at Booker T. Washington School and was in special education. Also, during that time, Adams attended McInnis School. Subject further states that he cannot read nor write.

Financial Status:

Subject states he owns no property, has no debts in his name and no income.

Employment History:

Subject states that from April, 1982, until he was arrested August 19, 1982, he worked at the Minute Maid plant in Auburndale, FL. He further states that also during that time he worked at Bartow Packing House, Bartow, FL, at night.

Adams further states that many years ago he worked for White Roofing Company, Montgomery, AL.

According to records in the Montgomery County Probation Office, in September, 1981, James Adams was working part time for Sunshine Christian Outreach Ministries in Montgomery.

Military Record:

None.

Offender's Family:

Father: Richard Martin, age 51, lives in the Montgomery area.

Mother: Willie Mae Adams Dennis, age 48, lives in Atlanta, GA.

Siblings:

Lena Mae Calhoun, age 28, lives at 313 Vincent Avenue, Montgomery.

Kerry
~~Kerry~~ Adams, age 25, lives with his mother in Atlanta, GA, and works at Morrison's Cafeteria.

Essie Adams, age 23, lives in Atlanta, GA, and works at a nursing home.

Sylvester Adams, age 21, lives on Eugene Street, Montgomery, and does painting.

Jerome Adams, dob: 07-04-68, lives with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, and receives social security disability. On May 13, 1987, Jerome Adams was sentenced to one year and one day suspended, 12 months unsupervised probation under the Youthful Offender Act for Burglary III and Theft of Property II.

EVALUATION OF OFFENDER

Psychosocial Reports:

None.

Reputation & Community Activities:

Unknown. James Adams has been continuously incarcerated since August, 1982.

Parole & Probation Officer's Remarks:

When James Adams pled to the Bail Jumping II charge on December 7, 1987, there was some question as to whether he was incarcerated in Florida in April, 1982, to where he could not get back from his sentencing on the Theft of Property II charge. According to information received by subject's lawyer, Tom Payne, from Florida Parole and Probation Commission, James Adams was first arrested in Florida on June 26, 1982, released July 1, 1982, and arrested August 19, 1982, where he stayed incarcerated until he went into the Florida Prison System November 5, 1982.

PROBATION PLAN

Home:

If granted probation, subject states he would live with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, AL.

Job:

If granted probation, subject states he would look for employment.

Recommendation:

James Adams has previously, in Montgomery County, had the benefit of probation and was not successful on it. He has also been incarcerated in prison in both Alabama and Florida and has had the benefit of parole in both states and was not successful. Based on this, it is this officer's recommendation that probation be denied and that subject be sentenced to 10 years in the penitentiary in CC #82-274 - TOP II, and one year in Montgomery County Jail in CC #87-1685 - Bail Jumping II, concurrent.

Signed and dated at Montgomery, AL, this 19th day of January, 1988.

Carolyn P. Flack
Carolyn P. Flack
Alabama Probation & Parole Officer

CPF/lcm

DIANE M. MATOUSEK
CLERK OF THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY, FLORIDA

PLEASE REPLY TO:
Felony Division
P.O. Box 6043
DeLand, FL 32721-6043

May 26, 2006

JUN 07 2006

RE: Record Search

Name: James Adams
D.O.B.: 09/10/56

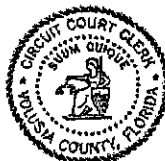
To Whom It May Concern:

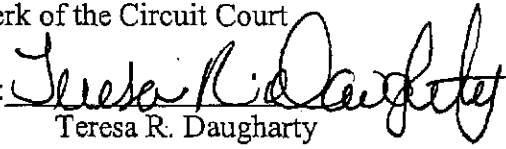
Please be advised that a search of the misdemeanor and felony records of Volusia County, Florida, for the years of 1982 to 1982, discloses no cases against the above mentioned individual.

If our office can be of any further assistance, please do not hesitate to contact us at the above address.

Sincerely,

DIANE M. MATOUSEK
Clerk of the Circuit Court



By: 
Teresa R. Daugherty
Deputy Clerk

C: General Correspondence
CL-0579-0503